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TO: U. S. Patent and Trademark Office
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FROM: Donna M. Ferber
RE: U.S. Patent Application No. 10/632,118
Attorney Docket No. 99-02

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Submitted Herewith: Response to Notice of Restriction/Election - 3 pages

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 22 2006

Application No. : 10/632,118
Filed : July 31, 2003
Applicant : Wheeler et al.
For : Nuclear Transfer with Embryonic Stem Cells
Group Art Unit : 1632
Examiner : Joseph T. Woitach
Confirmation No. : 1839
Docket No. : 99-02
Customer No. : 23713

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Commissioner for Patents
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Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT FOR RESTRICTION/ELECTION

Sir:

In response to the Office Action mailed February 1, 2006, Applicants respectfully request consideration of the following remarks and favorable reconsideration of statements made in the Action.

The Patent Office has stated that the application contains claims directed to more than one species of the claimed invention.

The Patent Office has required election of a single specific nonhuman animal and a specific species in claim 21, a specific method of enucleation (see claims 6-12), and a specific method of nuclear transfer (see claims 13-18). The Examiner has indicated that currently, claims 1-5 and 19 are generic.

In response to the requirement for election of a single species of nonhuman animal, Applicants elect pig, and within the particular types of porcine cells listed in

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claim 21, Applicants further elect Meishan. With respect to claims 6-12, Applicants elect the mechanical enucleation. As required for claims 13-18, Applicants elect the microinjection method of nuclear transfer.

Claims 1-21 read on the elected species pig, and Meishan; claim 20 specifically recites a porcine (pig) cell, and claim 21 recites several varieties of pig, including the elected species/breed Meishan. Claims 1-6, 8, 11, 13-21 read on mechanical enucleation; claims 6, 8 and 11 recite mechanical enucleation of cells. Claims 1-13 and 19-21 read on microinjection, and claim 13 specifically recites microinjection as the mode of nuclear transfer.

Applicants have endeavored to make all required elections. If the Examiner needs additional selections, the courtesy of a telephone call is respectfully requested.

Conclusion

Applicants respectfully submit that the pending claims are in condition for allowance and early notification thereof is requested.

If, in the interest of expediting prosecution, the Examiner has questions or comments, he is invited to telephone the undersigned at the indicated telephone number.

It is believed that the present submission does not necessitate a petition for extension of time or the payment of any fees under 37 C.F.R. 1.16-1.17. If this is incorrect, however, please consider this response to include the petition for the time necessary for a timely response and charge any deficiency or credit any overpayment in fees pursuant to the foregoing Rules to Deposit Account No. 07-1969.

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Respectfully submitted,



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dg: February 22, 2006